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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,568	04/05/2001	Masood Garahi	ODS-28	6408

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FISH & NEAVE
1251 AVENUE OF THE AMERICAS
50TH FLOOR
NEW YORK, NY 10020-1105

EXAMINER

NGUYEN, KIM T

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 08/27/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/827,568

Applicant(s)

GARAHI ET AL.

Examiner

Kim Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5-7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed April 15, 2002 (paper No. 6) fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Objections

2. Claims 1 and 16 are objected to because of the following informalities:

In claim 1, line 5, and claim 16, lines 5-6, the claimed limitation "a configuration" should be corrected to "the configuration".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (US. Patent No. 6,110,041).

a. As per claim 1-2, 5-9, and 13-16, Walker discloses a method for providing wagering interface. The method comprises configuring and storing a first wagering interface on a first wagering platform (col. 4, lines 66-67; col. 5, lines 1-16; col. 7, lines 47-65; and col. 8, lines 23-39 and 7-26). Walker does not explicitly disclose displaying a second wagering interface on a second platform. However, Walker discloses allowing the player to obtain the same configuration in the second platform with the configuration set in the first platform and the capability of displaying preference options (col. 2, lines 13-18; col. 7, lines 64-67; and col. 8, lines 1-39). Further, displaying a user's preference would have been well known to a person of ordinary skill in the art at the time the invention was made. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to display the wagering configuration on the second game machine in order to allow the player to check the configuration the player selects on the first platform.

b. As per claim 3, wagering on a sport game would have been well known to a person of ordinary skill in the art at the time the invention was made.

c. As per claim 4, since Walker discloses allowing the player to adjust a skill level configuration (col. 5, lines 19-22), and Walker discloses allowing the player to set different type of preferences (col. 5, lines 14-16), it would have been obvious to a person of ordinary skill in the

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art at the time the invention was made to allow the player to select different player type in order to maintain the interest of the player.

d. As per claim 10-12, Walker discloses providing the database in a subscriber management system (Fig. 2, and col. 4, lines 25-30). Further, providing a database in a datahub or in a game platform would have been well known.

e. As per claim 17-20, Walker discloses applying the configuration in different environments (col. 9, lines 27-35). Further, set-top box, computer, cellular phone, or a telephone would have been well known devices that allow the player to play game on the devices.

f. As per claim 21-33, refer to discussion in claims 2, 6, 8-13, and 17-20 above.

Cited References

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mir et al (US. 6,450,887), *Wilson et al* (US. 5,411,258), and *Prather et al* (US. 5,823,872) discloses wagering on sport games.

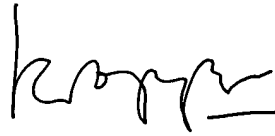
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 7:30AM to 5:30PM ET. The central official fax number is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

kn

Date: August 21, 2003

A handwritten signature in black ink, appearing to read 'K. Nguyen', with a horizontal line extending from the end of the signature.

**KIM NGUYEN
PRIMARY EXAMINER**